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MONTANA LEGISLATIVE HISTORY

Chapter 608 19 91

Bill H 731 S _____ Original bill & history ✓ C

H. Committee on Natural Resources		S. Committee on Natural Res.	
Hearing Date(s) 2-20	✓ C	Hearing Date(s) 4-10	✓ C
_____	___ C	_____	___ C
_____	___ C	_____	___ C
_____	___ C	_____	___ C
Date Out _____	___ C		

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

	RETURNED TO HOUSE		
4/03	SIGNED BY SPEAKER		
4/03	SIGNED BY PRESIDENT		
4/04	TRANSMITTED TO GOVERNOR		
4/09	VETOED		

HB 730 INTRODUCED BY D. BROWN, ET AL.

REVISE PSC AUTHORITY REGARDING RAILROAD SHIPPING AND PASSENGER FACILITIES

2/09	INTRODUCED		
2/09	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
2/11	FIRST READING		
2/14	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/23	2ND READING PASSED	67	32
2/26	3RD READING PASSED	66	34
	TRANSMITTED TO SENATE		
2/27	FIRST READING		
2/27	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
3/26	HEARING		
4/02	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/04	2ND READING CONCURRED	48	1
4/05	3RD READING CONCURRED	49	1
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS NOT CONCURRED	89	9
4/11	FREE CONFERENCE COMMITTEE APPOINTED		
4/22	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/22	MOTION FAILED TO NOT ADOPT FREE CONFERENCE COMMITTEE REPORT NO. 1 ON 2ND READING	39	60
	(2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED)		
4/23	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	57	35
	SENATE		
4/16	FREE CONFERENCE COMMITTEE APPOINTED		
4/19	FREE CONFERENCE COMMITTEE DISSOLVED		
4/20	FREE CONFERENCE COMMITTEE APPOINTED		
4/23	FREE CONFERENCE COMMITTEE REPORT NO .1		
4/23	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	33	15
4/24	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	35	13
5/03	SIGNED BY SPEAKER		
5/03	SIGNED BY PRESIDENT		
5/03	TRANSMITTED TO GOVERNOR		
5/24	VETOED		

HB 731 INTRODUCED BY REAM, ET AL.

MANAGEMENT STANDARDS FOR FOREST PRACTICES IN STREAMSIDE MANAGEMENT ZONES

2/09	INTRODUCED
2/09	REFERRED TO NATURAL RESOURCES
2/11	FIRST READING
2/11	FISCAL NOTE REQUESTED
2/15	FISCAL NOTE RECEIVED
2/20	HEARING
2/20	FISCAL NOTE PRINTED
3/21	COMMITTEE REPORT—BILL PASSED AS AMENDED
3/25	REREFERRED TO APPROPRIATIONS
3/27	COMMITTEE REPORT—BILL PASSED AS AMENDED

3/28	2ND READING PASSED AS AMENDED	70	26
3/28	ON MOTION RULES SUSPENDED TO PLACE ON 3RD READING		
3/28	3RD READING PASSED	73	26
	TRANSMITTED TO SENATE		
3/28	FIRST READING		
3/28	REFERRED TO NATURAL RESOURCES		
4/03	REVISED FISCAL NOTE REQUESTED		
4/05	REVISED FISCAL NOTE PRINTED		
4/10	HEARING		
4/11	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/13	2ND READING CONCURRED	34	13
4/15	3RD READING CONCURRED	39	9
	RETURNED TO HOUSE WITH AMENDMENTS		
4/17	2ND READING AMENDMENTS CONCURRED	85	11
4/18	3RD READING AMENDMENTS CONCURRED	77	21
4/20	SIGNED BY SPEAKER		
4/20	SIGNED BY PRESIDENT		
4/20	TRANSMITTED TO GOVERNOR		
4/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 608	EFFECTIVE DATE: 10/01/91	

HB 732 INTRODUCED BY COHEN

REQUIRE SECURED LOADS ON VEHICLES

2/09	INTRODUCED		
2/09	REFERRED TO NATURAL RESOURCES		
2/11	FIRST READING		
2/11	FISCAL NOTE REQUESTED		
2/15	FISCAL NOTE RECEIVED		
2/15	FISCAL NOTE PRINTED		
2/20	HEARING		
2/21	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/07	2ND READING PASSED	50	47
3/07	SEGREGATED FROM COMMITTE OF WHOLE REPORT		
3/09	2ND READING PASSED AS AMENDED	79	14
3/12	3RD READING PASSED	72	27
	TRANSMITTED TO SENATE		
3/13	FIRST READING		
3/13	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/19	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED		
3/23	2ND READING CONCURRED	48	0
3/25	3RD READING CONCURRED	44	4
	RETURNED TO HOUSE		
4/02	SIGNED BY SPEAKER		
4/02	SIGNED BY PRESIDENT		
4/02	TRANSMITTED TO GOVERNOR		
4/06	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 374	EFFECTIVE DATE: 10/01/91	

HB 733 INTRODUCED BY PAVLOVICH, ET AL.

PURPLE HEART MEDAL LICENSE PLATES

2/09	INTRODUCED
2/09	REFERRED TO HIGHWAYS & TRANSPORTATION
2/11	FIRST READING
2/11	FISCAL NOTE REQUESTED
2/15	FISCAL NOTE RECEIVED
2/15	FISCAL NOTE PRINTED
2/16	HEARING
	DIED IN COMMITTEE

LC 0955/01

HOUSE BILL NO. 731

INTRODUCED BY Ream Hollyan
Jeff Mesaros Bob Brown Carol Juneau

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING MANAGEMENT STANDARDS FOR THE CONDUCT OF FOREST PRACTICES IN RIPARIAN MANAGEMENT ZONES; AUTHORIZING THE DEPARTMENT OF STATE LANDS TO ADOPT AND ENFORCE RULES IMPLEMENTING THE RIPARIAN MANAGEMENT STANDARDS; ALLOWING ALTERNATIVE FOREST PRACTICES IN CERTAIN CIRCUMSTANCES; AUTHORIZING THE DEPARTMENT OF STATE LANDS TO ISSUE ADMINISTRATIVE ORDERS FOR SITE REHABILITATION; PROVIDING PENALTIES FOR NONCOMPLIANCE WITH RIPARIAN MANAGEMENT STANDARDS; AND ESTABLISHING A FOREST STEWARDSHIP SPECIAL REVENUE ACCOUNT."

STATEMENT OF INTENT

It is the intent of the legislature that the riparian management zone be an area of closely managed activity, but not a zone where timber harvest is excluded. Timber harvest activities must be managed within the zone to achieve objectives relating to water quality, beneficial water uses, protection of wildlife habitat, and the long-term stability of the stream system, in addition to timber harvest objectives.

It is the intent of the legislature that the department of state lands adopt rules providing enforceable management standards for forest practices in riparian management zones. The department shall:

(1) consult with forestry officials from federal, state, and private agencies and organizations involved in forest watershed issues and wildlife management;

(2) review the riparian management regulations of other states;

(3) consider the experiences and recommendations of persons who have developed, administered, and been subject to these regulations; and

(4) consider recent research findings on forest management in riparian areas.

Based on this information, the department shall develop specific rules to implement the purposes and management standards provided in [section 3] for riparian management zones, including rules on equipment use; road drainage; log skidding and yarding; the number, size, and type of trees to be retained along the zone; tree canopy cover; snag retention; slash management; site preparation; and other related practices. Owners or operators may receive approval for alternative practices under the criteria and procedures provided in [section 3(2)].

The department shall also develop by rule a method for site-specific determination of the width of each riparian management zone based on topographic, hydrologic,

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vegetative, and other site characteristics. The zone may not be narrower than 50 feet on either side of the streambank or lakeshore and must increase in width in areas of steep slope, erosive soils, or wet soils. A change in slope steepness between a steep-sided stream corridor and a more level upland area can often be an appropriate boundary for the riparian management zone.

It is the intent of the legislature that the department develop written guidelines for methods through which timber harvest may be conducted in riparian management zones to benefit or to reduce adverse effects on wildlife.

Finally, the legislature recognizes that appropriate limitations on activities in riparian zones, which comprise only a very small percentage of Montana forests, can achieve substantial watershed and wildlife benefits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** Findings and purpose. (1) The legislature finds that the riparian management zone:

(a) acts as an effective sediment filter to maintain water quality;

(b) provides shade to regulate stream temperature;

(c) supports diverse and productive aquatic and terrestrial riparian habitats;

(d) protects the stream channel and banks;

(e) provides large, woody debris that is eventually recruited into a stream to maintain riffles, pools, and other elements of channel structure; and

(f) promotes floodplain stability.

(2) The legislature further finds that maintaining the integrity of forest streams is crucial to the quality and quantity of water available to Montanans for domestic, agricultural, industrial, and recreational use.

(3) The legislature further finds that forest streams are highly susceptible to impacts from land development and that in many cases forest practices in riparian zones in Montana are causing excessive and unnecessary damage to the banks, beds, and protective vegetation of forest streams.

(4) The legislature further finds that, through careful management in the riparian zone, owners and operators can achieve timber harvest goals without sacrificing water quality or impairing the beneficial uses of the water.

(5) The purposes of [sections 1 through 7] are:

(a) to protect the legitimate public interest in the quality and quantity of forest waters;

(b) to provide for standards, oversight, rehabilitation, and penalties to ensure that forest practices are conducted in a manner that conserves the integrity of Montana's riparian zones;

(c) to provide standards for the protection of wildlife

habitat in riparian zones; and

(d) to allow operators necessary flexibility to use practices appropriate to site-specific conditions in the riparian management zone.

NEW SECTION. **Section 2.** **Definitions.** As used in [sections 1 through 7], the following definitions apply:

(1) "Alternative practices" means forest practices:

(a) conducted in the riparian management zone that are different from practices required by rules adopted under [sections 1 through 7];

(b) that are designed for site-specific conditions encountered during a timber sale; and

(c) that are subject to department approval under [section 3].

(2) "Department" means the department of state lands provided for in 2-15-3201.

(3) "Forest practices" means the harvesting of trees, road construction or reconstruction associated with harvesting and accessing trees, site preparation for regeneration of a timber stand, reforestation, and management of logging slash. The term does not include activities related to the operation of a Christmas tree farm or nursery that do not involve new road construction.

(4) "Operator" means a person responsible for conducting forest practices. An operator may be the owner or

a person who, through contractual agreement with the owner, is obligated to or entitled to conduct forest practices or carry out a timber sale.

(5) "Owner" means an individual, firm, partnership, corporation, or association of any nature that holds an ownership interest in forest land or timber.

(6) "Person" means an individual, firm, partnership, company, commercial entity, corporation, or association.

(7) "Riparian management zone" or "zone" means the stream, lake, or other body of water and an adjacent area of varying width where management practices that might affect wildlife or water quality, fish, or other aquatic resources need to be modified. The riparian management zone encompasses a strip at least 50 feet wide on each side of a stream, lake, or other body of water, measured from the ordinary high-water mark, and extends beyond the high-water mark to include wetlands and areas that provide additional protection in zones with steep slopes or erosive soils.

(8) "Stream" means a natural watercourse of perceptible extent that has a generally sandy or rocky bottom and definite banks and that confines and conducts continuously or intermittently flowing water.

(9) "Timber sale" means a series of forest practices designed to access, harvest, and regenerate trees on a defined land area.

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NEW SECTION. **Section 3. Purposes and standards for forest practices in riparian management zones -- alternative practices.** (1) Except as provided in subsection (2), forest practices in a riparian management zone must comply with the following purposes and standards and with rules adopted under [sections 1 through 7] to implement these purposes and standards:

(a) to prevent soil erosion and stream sedimentation:

(i) roads and landings may not be constructed in the zone, except for roads necessary and appropriate for approaches to stream crossings;

(ii) tractors or other heavy, motorized vehicles may not be used for harvesting or removing timber or for site preparation in the zone;

(iii) water draining from road surfaces and road cuts must be routed through an undisturbed portion of the zone, not directly into a stream channel;

(iv) cables must be used to skid logs out of the zone and logs must be fully suspended if taken across a streamcourse; and

(v) site preparation must be conducted with minimal soil disturbance;

(b) to provide shade to the stream and to maintain soil stability, nonmerchantable vegetation must be retained;

(c) to maintain stream channel stability and aquatic habitat, trees with roots in the streambank may not be harvested;

(d) to provide long-term recruitment of large, woody debris into the stream channel necessary to retain stream structure, a residual timber stand, including the species and age composition generally characteristic of the site prior to harvest, must be retained;

(e) to protect water quality, stream bottom structure, and bank integrity and to provide unobstructed fish passage, slash must be kept out of the stream channel; and

(f) to maintain populations of wildlife that use riparian zones, habitat must be protected.

(2) (a) An owner or operator may request approval by the department to use alternative practices. The department shall work cooperatively with the owner or operator to develop the best site-specific practices to meet timber and watershed objectives. The department may review onsite conditions prior to taking final action on a request.

(b) The department shall approve the request if the alternative practices provide equivalent or improved watershed protection when compared to the management practices provided by rules adopted under [sections 1 through 7].

(c) The department may approve the request if the alternative practices provide nearly equivalent

protection. However, this subsection (c) may not be used as grounds for approval of a proposed alternative practice that involves the harvesting of trees that otherwise must be retained.

(d) Departmental approval of any alternative practices must be provided in writing and state the specific alternative practices authorized.

(3) The department shall publish and distribute the rules implementing the riparian management standards.

NEW SECTION. **Section 4. Inspection -- onsite consultation.** (1) The department may inspect forest practices on any federal, state, or private land in this state to assess compliance with the provisions of [sections 1 through 7] and rules adopted pursuant to [sections 1 through 7].

(2) The department may conduct an onsite consultation with an owner or operator to review harvest plans and watershed conditions. During the onsite consultation, the department may review and, if appropriate, approve the proposed use of alternative riparian management practices, as provided in [section 3].

NEW SECTION. **Section 5. Responsibility for compliance -- penalties -- administrative orders.** (1) (a) Except as provided in subsection (1)(b), it is the responsibility of the owner to ensure compliance with the provisions of

[sections 1 through 7] and rules adopted pursuant to [sections 1 through 7].

(b) If a written contract between an owner and an operator specifies that the operator is responsible for compliance with laws relating to forest practices, the operator is considered the responsible party for all enforcement actions taken by the department under this section.

(2) (a) A person who violates a provision of [sections 1 through 7], a rule adopted pursuant to [sections 1 through 7], or an order issued under this section is guilty of a misdemeanor and shall be punished by a fine of not more than $500. A person convicted of a second or subsequent offense under this section is subject to a fine of not more than $1,000, imprisonment in the county jail for not more than 6 months, or both. Each day of violation of an order issued under this section is a separate violation;

(b) A person who violates a provision of [sections 1 through 7], a rule adopted pursuant to [sections 1 through 7], or an order issued under this section shall forfeit the value of the timber harvested from the riparian area in which the violation occurred.

(3) (a) When the department determines that an owner or operator has violated a provision of [sections 1 through 7] or a rule adopted pursuant to [sections 1 through 7] and has

caused damage to watershed or wildlife resources, the department may serve an order requiring the person responsible for the conduct of forest practices to undertake necessary site rehabilitation within a reasonable period of time stated in the order. The order must specify the nature of the violation and the damage or unsatisfactory condition resulting from the violation.

(b) The order becomes final unless, within 30 days after the notice is served, the person named requests in writing a hearing before the department. On receipt of the request, the department shall schedule a hearing. Service by mail is complete on the date of mailing.

(c) If, after a hearing, the department finds that a violation has occurred and the watershed or wildlife habitat damage warrants site rehabilitation, it shall affirm or modify the order previously issued. If the department finds that a violation has not occurred or that site rehabilitation is not warranted, it shall rescind the order.

(d) The department may include in an order a provision that the owner or operator immediately cease causing further damage and take immediate action to alleviate the damage or to prevent future damage. The department may institute an action for injunctive relief under Title 27, chapter 19, if the recipient of the order does not comply with it.

(4) Subsection (3) does not prevent the department from

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seeking voluntary compliance and site rehabilitation through warning, conference, or any other appropriate means.

NEW SECTION. **Section 6. Forest stewardship special revenue account.** (1) There is a forest stewardship special revenue account.

(2) All fines and penalties levied under [section 5] must be deposited in the forest stewardship special revenue account.

(3) The department shall spend funds deposited in the account on activities and programs that promote the stewardship of forest resources.

NEW SECTION. **Section 7. Rulemaking.** The department shall adopt rules:

(1) implementing each of the purposes and management standards provided in [section 3];

(2) providing specific direction necessary for owners and operators to understand and comply with the management standards, including additional definition of the riparian management zone and the forest practices permissible within the zone; and

(3) including any other specific provisions necessary to achieve the purposes of [sections 1 through 7].

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0731, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:
A bill providing for standards and administrative rules to be developed and implemented by the Department of State Lands concerning forest practices in riparian zones.

ASSUMPTIONS:
1. DSL would have the following responsibilities: a) adopt and publish rules for riparian zone forest practices standards; b) provide information and education to landowners and operators regarding implementation of riparian zone rules; c) review applications for alternative practices; d) conduct field consultations requested by owner (or determined necessary by DSL) to assist with compliance or evaluate applications for alternative practices; e) inspect cases of reported noncompliance; f) serve orders for rehabilitation for damage caused by violations; and g) hold hearings requested by persons named in orders served.
2. There will be approximately 2,300 separate timber harvesting operations initiated annually during the 1993 biennium on federal, state, industrial private and nonindustrial private forest lands in Montana. Field work would be required on approximately 15% of these operations.
3. There will be required 4.75 FTE comprised of 1.00 FTE program supervisor, grade 15; 3.00 FTE foresters, grade 12; 0.25 FTE attorney, grade 17; 0.25 FTE secretary, grade 8; and 0.25 FTE clerk, grade 7.
4. DSL would develop, organize and implement educational programs and training workshops on implementation of riparian zone rules for timber operators, landowners, timber sale contract administrators, conservation district personnel and others.

FISCAL IMPACT:
Department of State Lands:

	FY 92			FY 93		
Expenditures:	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
F.T.E.	0.00	4.75	4.75	0.00	4.75	4.75
Personal Services	0	116,731	116,731	0	116,731	116,731
Operating Expenses	0	21,875	21,875	0	21,875	21,875
Capital Outlay	0	44,000	44,000	0	0	0
Total	0	182,606	182,606	0	138,606	138,606
Funding:						
General Fund	0	182,606	182,606	0	138,606	138,606

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:
If the number of forest practices covered by this act increases significantly, additional resources will be required to continue to carry out the intent of the act.

Rod Sundsted 2-14-91

ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

ROBERT R. (BOB) REAM, PRIMARY SPONSOR DATE

Fiscal Note for HB0731, as introduced

HB 731

CHAIRMAN--BOB RANEY
NORMAL SCHEDULE==> SITE: ROOM 317 DAYS: TU,TH TIME: 3:00 P.M.

SECRETARY-LISA FAIRMAN

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0660	2/07	2/13		PASS AS AMENDED		2/16
COHEN, BEN			REVISE SOLID WASTE MANAGEMENT EXEMPTION			
HB0670	2/07	2/15		DO PASS	NATURAL RESOURCES	2/16
DAILY, FRITZ			REQUIRING REVIEW OF HARD ROCK MINE RECLAMATION BONDS EVERY 5 YEARS			
HB0670	2/23			TABLED ON 03/12		
DAILY, FRITZ			REQUIRING REVIEW OF HARD ROCK MINE RECLAMATION BONDS EVERY 5 YEARS			
HB0671	2/07	2/18		PASS AS AMENDED		2/22
GILBERT, BOB			GENERALLY REVISE THE SUBDIVISION AND PLATTING ACT AMENDMENTS			
HB0718	2/08	3/12		PASS AS AMENDED	APPROPRIATIONS	3/15
ELLIOTT, JIM			PERMIT DEPT OF HEALTH TO COLLECT FEES TO OFFSET WATER QUALITY PROGRAM COSTS			
HB0724	2/08	2/20		DO PASS		2/21
ELLIOTT, JIM			PROHIBITION ON TIMBER FROM STATE LANDS AS SUBSTITUTE FOR EXPORTED TIMBER			
HB0731	2/09	2/20		PASS AS AMENDED	APPROPRIATIONS	3/21
REAM, BOB			MANAGEMENT STANDARDS FOR FOREST PRACTICES IN STREAMSIDE MANAGEMENT ZONES			
HB0732	2/09	2/20		PASS AS AMENDED		2/21
COHEN, BEN			REQUIRE SECURED LOADS ON VEHICLES			
HB0744	2/11	2/18		TABLED ON 02/20		
O'KEEFE, MARK			SUBDIVISION MODIFICATIONS			
HB0745	2/11	2/20		DO PASS		2/21
SWYSGOOD, CHARLES			TEMPORARY BASIN CLOSURE			
HB0749	2/11	2/20		DO PASS		2/21
ELLISON, ORVAL			HARD ROCK IMPACT ACT REVISIONS			

EQC review, and then is available for review during the session. **REP. O'KEEFE** said he would like to amend the bill so that the Council be appointed July 1, 1991, enabling the Council to participate in the rule making process. **REP. LEE** responded that the Council could be appointed on passage and approval of this bill. He stated he considered **Mr. Spilker's** concerns about the balance of the Council's makeup to be valid and would support an amendment addressing that situation.

REP. BROOKE asked how the Council would be funded. **REP. LEE** replied he was not sure. A fiscal note has been requested. **REP. BROOKE** inquired if the bill was considered an appropriations bill. **REP. LEE** responded that he did not ask for any money in the bill. It would only be implicit. **Rob McCracken, Department of Commerce,** added that information has been provided to the Governor's office on the fiscal impact of the bill, which is not public yet. The Governor's final determination is not known.

REP. WANZENRIED asked how closely HB 815 matches the Oregon law. **REP. LEE** responded that the Oregon law was discussed during the planning of HB 815. Oregon tries to micromanage local planning. HB 815 does not. It is not the intent of HB 815 to micromanage local planning. **REP. BEN COHEN** asked Don Chance who he was representing and to clarify what his objections were. **Don Chance** stated that he represented the Montana Building Association, which is opposed to the provision in the bill that requires state approval of local government plans.

Closing by Sponsor:

REP. LEE stated most of the opposition to this bill was centered on things that will be addressed in rulemaking and there is ample opportunity during rulemaking for citizen input to bring concerns through the Advisory Council. It is clear what happens when there is no planning. Most counties are planning, and the problem is there is no implementation of plans. This bill will help correct some problems.

HEARING ON HB 731

Presentation and Opening Statement by Sponsor:

REP. BOB REAM, HD 54 - Missoula, stated that a forest practices study was completed two years ago. Recent audit reports indicate problems continue to exist with forest land management on the narrow zone on either side of perennial streams. Forest practices within that narrow zone, 50 feet on either side of a stream, have an impact on other resources, particularly water and wildlife. HB 731 deals specifically with management practices for the resources in the riparian zone. **REP. REAM** went through the bill, outlining the sections. He presented amendments that incorporate some of the concerns of the forest industry. **EXHIBIT 6.** He stated that Janet Ellis, Montana Audubon, is working with Bud Clinch, Montana Logging Association to come up with a

consensus on amendments. It is important to have consensus of the groups involved. The bill involves a management zone that is small, in terms of acreage and proportion of the total forest land area, but crucial to water quality and wildlife resources.

Proponents' Testimony:

Janet Ellis, Montana Audubon Legislative Fund, stated one reason the bill is important is that it protects the most fragile areas that can be affected by forest harvest. This bill does not prohibit cutting timber in the streamside management zone, it requires that the riparian management zone be an area of closely managed activity. Audubon is willing to work with the timber industry to work out problems.

Steve McCue, Helena, stated he represents himself and his family who have owned a home on Lindbergh Lake in Swan Valley since 1956. He said that there are 60 cabins which draw water from the Lake. Plum Creek Timber Company owns land on Lindbergh Lake, and in 1988 upgraded an old road, and began harvesting timber on a 70% slope adjacent to Lindberg Lake. The only legal recourse to control such activity was through the Water Quality Act. HB 731 is needed in order to have companies, such as Plum Creek, care for riparian zones, such as those found along Lindbergh Lake. Page 10, subparagraph (b), limits the liability for penalties and fines to the operator not to the landowner. The logger would be liable, but the landowner, such as Plum Creek, would not be liable. **Mr. McCue** stated that he felt that the landowner should be liable. He submitted an article regarding management practices. **EXHIBIT 7**

Jim Jensen, Montana Environmental Information Center (MEIC), supported HB 731. He stated the bill does not go far enough to address the management problems that exist on private forest lands. He suggested to hold the bill in Committee so it could be discussed in context with other upcoming forest management bills.

Scott Snelson, Montana Wildlife Federation (MWF), stated MWF concurs that riparian areas are critical to wildlife and supports the bill.

Kim Wilson, Clark Fork Coalition, supported HB 731. He stated legally, there are no options but to wait until the timber work has been completed to see if the Water Quality Act has been violated. This bill is important as it gives people the ability to be involved in the process prior to damage occurring. The Forest Service requires best management practices on all timber contracts.

Opponents' Testimony:

Bud Clinch, Montana Logging Association (MLA), stated that consensus is almost reached regarding this bill. The major area of disagreement concerns mandatory versus voluntary approaches.

Amendments removing regulatory enforcement relative to providing wildlife habitat could help develop consensus among adversarial groups on this issue. Industry has been making efforts to educate loggers and to improve acceptance and implementation of best management practices. **Mr. Clinch** stated he opposed the bill as it is introduced but is willing to continue work with **REP. REAM** to arrive at a consensus.

Don Allen, Montana Wood Products Association (MWPA), opposed HB 731 for reasons stated by **Mr. Clinch.** He stated the sensitivity of the streamside areas is an important issue.

Susan Brooke, Montana Stockgrowers Association (MSGA), opposed HB 731. She stated that MSGA supports the efforts of MLA and MWPA.

Lorna Frank, Montana Farm Bureau, concurred with MSGA.

Peggy Parmelee, Montana Association of Conservation Districts, opposed HB 731. She stated the Natural Streambed and Preservation Act and statutes 75-7-101 through 75-7-124 already provide for protection. A voluntary approach is appropriate for managing streamside areas. She provided informational handouts. **EXHIBIT 8 & 9**

Questions From Committee Members:

REP. DICK KNOX stated that on page 6, line 16 - 18, defines a riparian management zone to extending beyond the high water mark to include wetlands and to areas that provide additional protection in zones with steep slopes or erosive soils. In a situation like that, the riparian zone could be expanded far beyond the 50 feet. **REP. REAM** agreed. A riparian management zone needs to be flexible. This could be addressed in rulemaking.

REP. COHEN asked **Mr. Wilson** what is the applicability of the statutes mentioned by **Ms. Parmelee. Mr. Wilson** responded that the 310 Act, referred by **Ms. Parmelee,** deals with specific instances of stream crossings. It does not apply to potential logging on lake shores or main drainages unless a road is crossed.

REP. BROOKE asked **REP. REAM** to clarify how the bill would affect agricultural activity. **REP. REAM** stated that when a similar bill was introduced last session, an amendment was added that excluded agriculture and grazing from the requirements of the bill. If this is not in the current bill, Rep. Ream is amenable to inserting it.

Paul Sihler, EQC, said the concern could be addressed in the rulemaking section.

Closing by the Sponsor:

REP. REAM stated it was not his intention to make guidelines but rather to provide direction with "teeth". He stated that he was not succumbing to the pressures of industry, as some have suggested. Industry provided some positive ideas which are found in Sections 4 and 5.

HEARING ON HB 724

Presentation and Opening Statement by Sponsor:

REP. JIM ELLIOTT, HD 51 - Trout Creek, stated the bill is to ban the sale of substitute logs to companies who are selling logs to overseas destinations. Around July 30, 1990, a federal law was enacted which allowed states to ban the sale of state logs for overseas export. While Montana has promulgated a rule to do this, there is a loophole which permits the sale of substitution logs. This bill will allow the state of Montana to refuse to sell timber to a company for one year after the date the company last exported logs from its own land. It is economically feasible to ship logs overseas through the Port of Lewistown, Idaho. There is a need to keep timber jobs in Montana. The law does not prohibit interstate shipment and sale of logs.

Proponents' Testimony:

Christian MacKay, read testimony on behalf of **Don Judge, Montana State AFL-CIO. Mr. Judge** supported HB 724. **EXHIBIT 10.**

Janet Ellis, Montana Audubon Legislative Fund, supported HB 724. She stated that Audubon feels this is an environmental bill. Between 1978 and 1988 lumber production increased by a total 302 million board feet in the state, but jobs decreased by 2800 people. The main reasons were increased mechanization and increased log exports.

Stan Bradshaw, Montana Trout Unlimited, concurred with previous testimony and supported HB 724.

Keith Olson, Executive Director, Montana Logging Association, supported HB 724.

Don Allen, Montana Wood Products Association, supported HB 724. He said the export of logs is a non-issue.

Opponents' Testimony: none

Questions from the Committee: none

Closing by Sponsor:

REP. ELLIOTT urged the committee to send the bill to the floor.

garbage out. Rep. Cohen's bill is aimed at accidental loss because of improper loading or perhaps a broken rope. It is an unintentional act. **REP. RANEY** said that is not true. Section 2 and Section 1 of Rep. Cohen's bill are two separate things.

Motion: **REP. TOOLE** made a substitute motion to amend the bill by removing all the contents of Section 2 of the bill and substituting the contents of Rep. hanson's bill so that the bills will conform.

Motion/Vote: **REP. MEASURE** made a substitute motion to strike section 2. Motion carried.

Motion/Vote: **REP. MEASURE MOVED HB 732 AS AMENDED DO PASS.** Motion carried 17-1 with Rep. Gilbert voting no.

EXECUTIVE ACTION ON HJR 30

Motion/Vote: **REP. DOLEZAL MOVED HJR 30 DO PASS AND BE PLACED ON THE ALTERNATE CONSENT CALENDAR.** Motion carried unanimously.

EXECUTIVE ACTION ON HB 908

Motion: **REP. O'KEEFE MOVED HB 908 DO PASS.**
REP. O'KEEFE moved to adopt the amendments. **EXHIBIT 27**

Discussion:

REP. BROOKE said there was a concern about the meters being near the point of diversion. **REP. ELLISON** said that can't be done because some of the water rights have been filed designating the point of measurement as the point where the water enters the product.

Vote: Motion to adopt the amendments carried unanimously.

Motion/Vote: **REP. O'KEEFE MADE A SUBSTITUTE MOTION THAT HB 908 AS AMENDED DO PASS.** Motion carried unanimously.

EXECUTIVE ACTION ON HB 724

Motion/Vote: **REP. O'KEEFE MOVED HB 724 DO PASS AND BE PLACED ON THE ALTERNATE CALENDAR.** Motion carried unanimously.

EXECUTIVE ACTION ON HB 731

REP. REAM said this is an appropriation bill. There is an amendment for appropriation language to make certain it is an appropriation bill.

Motion/Vote: **REP. REAM** moved to adopt the amendment to put appropriation language in HB 731. Motion carried unanimously.

HOUSE OF REPRESENTATIVES

NATURAL RESOURCES COMMITTEE

ROLL CALL **DATE** 2-20-91

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK O'KEEFE, VICE-CHAIRMAN	✓		
REP. BOB GILBERT	✓		
REP. BEN COHEN	✓		
REP. ORVAL ELLISON	✓		
REP. BOB REAM	✓		
REP. TOM NELSON	✓		
REP. VIVIAN BROOKE	✓		
REP. BEVERLY BARNHART	✓		
REP. ED DOLEZAL	✓		
REP. RUSSELL FAGG	✓		
REP. MIKE FOSTER	✓		
REP. DAVID HOFFMAN	✓		
REP. DICK KNOX	✓		
REP. BRUCE MEASURE	✓		
REP. JIM SOUTHWORTH	✓		
REP. HOWARD TOOLE	✓		
REP. DAVE WANZENRIED	✓		
REP. BOB RANEY, CHAIRMAN	✓		

CS05NATRES.MAN

EXHIBIT 6
DATE 2-20-91
HB 731

Amendments to House Bill No. 731
First Reading Copy

Requested by Rep. Ream
For the Committee on Natural Resources

Prepared by Paul Sihler
February 20, 1991

1. Title, lines 5, 7, and 12
Strike: "RIPARIAN"
Insert: "STREAMSIDE"

2. Page 1, lines 16,
Page 2, lines 1, 6, 12, 15, and 24.
Page 4, lines 7, 10, 13, and 19.
Page 4, lines 11, 15, and 24.
Page 5, lines 1, 4, and 8.
Page 6, line 9.
Page 7, lines 2 and 4.
Page 8, line 12.
Page 9, lines 9 and 20.
Page 10, line 21.
Page 12, line 18.
Strike: "riparian"
Insert: "streamside"

3. Page 1, line 21.
Strike: "protection"
Insert: "management"

4. Page 2, line 3.
Following: "forestry"
Insert: "and water quality"

5. Page 2, line 5.
Following: "watershed"
Insert: "and water quality"

6. Page 3, line 11.
Strike: "adverse"
Following: "wildlife"
Insert: "habitat"

7. Page 3.
Following: line 7
Insert:
"To the extent practical, the department should conduct onsite consultations under [section 4] in conjunction with consultations or inspections conducted pursuant to Title 76, chapter 13, parts 1 and 4."

8. Page 3.
Following: line 11
Insert:

"It is the intent of the legislature that the department establish an interdisciplinary technical committee to assist the department in adopting the rules. The members of the committee should have technical knowledge or expertise in water quality, wildlife management, or forest management, and include representatives from the U.S. forest service; U.S. bureau of land management; the Montana departments of health and environmental sciences and fish, wildlife, and parks; conservation districts; the Montana state university extension forestry program; the forest products industry; and the conservation community."

9. Page 4, line 25.
Strike: "protection"
Insert: "management"

10. Page 6, line 9.
Strike: "Riparian"
Insert: "Streamside"

11. Page 6, line 12.
Following: "wildlife"
Insert: "habitat"

DATE 2-20-91
HB 731

731

THE WALL STREET JOURN

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MONDAY, JUNE 18, 1990

VOL. CXXII NO. 118 ★

Unkindest Cut?

Timber Firm Stirs Ire Felling Forests Faster Than They Regenerate

Burlington Northern Spinoff Clear-Cuts Ancient Stands Granted by Abe Lincoln

Spooked by Corporate Raiders

By Dennis Farney
Staff Reporter of The Wall Street Journal

PEND OREILLE COUNTY, Wash.—"For Us, Every Day is Earth Day," Plum Creek Timber Co. assured the Pacific Northwest in an advertisement last April. Depicting a forester tenderly planting a seedling, the ad concluded: "Our Roots are Here."

But so are its stumps—which may prove to be the company's most enduring legacy.

From the green mountain walls of western Montana to the misty Cascades of central Washington, Plum Creek is chainsawing a trail of profits and cut-over forests across the Pacific Northwest. It is rapidly felling old-growth forests, including trees that predate this nation by a century or more. It has cut to the very banks of pristine trout streams. It has bulldozed a road into one de facto wilderness area and threatened to do the same to another.

The land it is doing this to is its own, part of a 1.4 million-acre forest empire that was a gift from President Abraham Lincoln himself. Nevertheless, Plum Creek, a publicly held limited partnership spun off from Burlington Northern Inc., has become one of the Pacific Northwest's most controversial corporate citizens. By its own figures, the company has been logging the forest Lincoln gave away at perhaps twice the rate it can regenerate itself.

Board Feet

"Within the industry, they're considered the Darth Vader of the state of Washington," says Rep. Rod Chandler, Republican of Washington, who is drafting more-restrictive federal legislation covering private logging. "And I think they've earned it."

What is unfolding here is a case study in the public costs of private decisions. It also demonstrates how a board-room effort to maximize shareholder values can leave an enduring mark upon the land—and, some fear, perhaps contribute to an economically crippling regional timber shortage in future decades.

Plum Creek's "only concern," charged an angry Idaho Gov. Cecil Andrus after personally photographing a company clear-cut in 1987, "appears to be cashing out their equity at everyone else's expense."

PR Issue

Plum Creek has grown accustomed to such talk. "There's no question—we can't deny the fact—that we have a bad image," says David Leland, president and chief executive officer. He corrects himself: "Have *had* a bad image." He says the company is reforesting its cut-over lands and argues it has "tried to be good neighbors to the citizens who live around us." He thinks the solution may lie in "more professional publicity work," a better job of letting people know "what we're doing and how we're going about doing it."

Yet what Plum Creek does, and how it does it, has a way of startling people.

Last year it jolted Bozeman, Mont., by announcing plans to log in South Cottonwood Canyon, an old-growth forest treasured by hikers and hunters. Responding to anguished citizens, Congress rushed through a $1 million land-acquisition appropriation. But Plum Creek is holding out for more. It now talks of bulldozing roads this summer. Negotiations continue.

Plum Creek also jolted northern Idaho last year by bulldozing a logging road into prime elk habitat proposed by both Gov. Andrus and Idaho GOP Sen. James McClure as a special management area. After a furor, Plum Creek sold 12,055 acres for eventual exchange to the state fish and game department. But the company continues to ask $1 million—too much, environmentalists protest—for the timber rights on one key 640-acre tract. Logging there, at the headwaters of an unspoiled trout stream, remains a possibility.

Even what Plum Creek says, and the way it says it, also has a way of unsettling people.

Cutting Old Trees for Japan

Late last year, Rocky Mountain Regional operations director Bill Parson spoke to the issue of "sustained-yield forestry," in which forests are logged no faster than they can regenerate themselves. On a company-sponsored tour of Plum Creek operations, Mr. Parson told a Montana state legislator: "We have never said we were on a sustained-yield program, and we have never been on a sustained-yield program. Let's get to the heart of it. Sure, it's extensively logged, but what is wrong with that?" The company doesn't deny the remarks, but CEO Leland says they are "not an accurate statement" of company philosophy.

Plum Creek's accelerated logging dates back to the early 1980s. One driving force is a voracious demand from Japan, particularly for huge logs from ancient groves; the beautifully grained wood looks exquisite in exposed-wood construction. But increasing logging profits was part of a larger Burlington Northern strategy, conceived in an era of hostile takeovers, to boost shareholder values.

Richard M. Bressler, chairman of both Burlington Northern and Plum Creek, says

Please Turn to Page A7, Column 1

Unkindest Cut? Timber Firm Stirs Ire in Northwest By Clear-Cutting Old Growth for Japanese Market

Continued From First Page

Wall Street regarded Burlington Northern as a stodgy railroad company; undervaluing its gas, oil and timber holdings. "I was concerned that if we didn't do something about that, somebody else would see those values . . . and would do something to make those values known," he says. "So that's when the scheme was hatched to separate the business into its component parts."

Thus, in 1988 Burlington Northern spun off Burlington Resources Inc., an energy and natural-resources concern. A year later, Plum Creek Timber was spun off as a limited partnership. The spinoffs increased shareholder values by "several billion dollars," says Mr. Bressler. Plum Creek also loaded itself with $325 million in debt, another takeover deterrent.

Although little known nationally, Plum Creek is intertwined with the nation's history. It is named for the site of its first lumber mill, the Minnesota creek immortalized by Laura Ingalls Wilder, author of "Little House on the Prairie" and "On the Banks of Plum Creek." Today the company is, after Weyerhaeuser Co., the Northwest's largest timber owner.

Its economic cornerstone is a framed document on the wall of its corporate suites, signed "A Lincoln, Dec. 29, 1864." Amid the Civil War, Mr. Lincoln granted the country's railroads vast tracts of land as incentive to build lines to the Pacific. A large share went to the railroads eventually absorbed into today's Burlington Northern.

For more than a century, Mr. Lincoln's timber grants were treated as something of an afterthought. Even today, volunteers Mr. Bressler, "I don't know anything about trees, particularly."

But buried within the land-grant document were always the seeds of massive ecological disruption. The government parceled out the lands to the railroads in corridors of checkerboard squares, each square about three-fourths the size of New York's Central Park. The railroads typically were given every other square. Now the checkerboard on the map is turning into ugly reality on the ground.

A case in point is a company clear-cut here in the mountains of northeastern Washington. Straight-edged as an Iowa cornfield, oblivious to topography, the clear-cut runs right up to the edge of a U.S. Forest Service square. On the Forest Service side is a sweet-scented stand of cedar and spruce, the ground springy with moss and the detritus of decades. On the Plum Creek side is a desolation of stumps, water-filled skid marks and roads that encoil the mountainsides. Discarded beer cans litter the boundary itself; an official Forest Service marker lies toppled in the mud.

Timber Shortage Seen

"This is an accounting decision, not a forestry decision," charges John Osborn, a doctor and environmentalist who has spearheaded the fight against accelerated ready overcut their corporate forests. Now they'll use their financial clout to [outbid others and] overcut the public forests." The eventual losers, he predicts, will be small sawmills and timber-dependent towns.

Rep. Chandler shares that fear, foreseeing a timber shortage that will approximately halve the next generation of miller-loggers. "I grew up in the kind of area where the dream was to graduate from high school and own a logging truck," he says. "I see a lot of dreams being smashed by what I consider some pretty short-sighted decisions by private industry."

The spreading blotches of logged-over land come at a pivotal moment in Northwestern logging. "The timber wars," some call it. The leading protagonists in this multi-front war seem alike only in their utter commitment to opposing views.

Environmentalist Osborn, who coordinates the Inland Empire Public Lands Council, is a man driven by the ecological destruction he sees all around him. His Spokane living room resembles a military command post. Maps wallpaper every wall; papers blanket the floor. Stuck to a file box is a one-word sign: "Bugged." It is a warning to himself—perhaps unwarranted, he concedes—not to trust the security of his own phone lines.

"We're kind of in the belly of the beast here," he says. "The levels of intimidation are very high." Asked if he's been threatened himself, his response is terse: "No comment."

A Red Flag

Dr. Osborn argues that the Northwest has reached the end of the "timber frontier"—the complacent certainty that just over the next ridgeline would always be more virgin forest to fell. "What's over the next ridgeline now is the Pacific Ocean," he says. Of Plum Creek, he says: "There is no more egregious example of rapid liquidation."

"Liquidation" is a red-flag word to Mr. Leland, sitting in Plum Creek corporate headquarters high above the Seattle harbor. "As a matter of fact, we started accelerating our cut in '82, '83 *to get on to* a sustained-yield cut," he argues. "Our view, and the view of most people who have studied this, is that to move from a natural stand to a managed stand we have to get rid of the older, slower-growing trees."

But Mr. Leland's own figures indicate something far removed from sustained yield. Last year, he says, Plum Creek cut 597 million board feet; this year it targets about 500 million; in a few years it expects to throttle down to 450 million. Even the lowest figure, however, is well above his estimate of the annual growth rate of Plum Creek's forests: About 250 to 300 million board feet. Moreover, a Plum Creek prospectus last year put the figure even lower: "Approximately 210 million."

Much of Plum Creek's future course could be affected by what is currently being discussed in the other Washington, the U.S. is exporting jobs along with timber, is close to banning the export of logs cut on state-owned lands; a similar ban already applies to federal lands. But since neither ban would affect private lands such as Plum Creek's, logging pressures would if anything intensify there.

In addition, Congress remains stalemated over Idaho and Montana wilderness bills. In still another flashpoint issue, the federal government must address the plight of the northern spotted owl by June 23; declaring the tiny owl "endangered" could well put great tracts of old-growth forest off-limits.

Heightened Sensitivity

Meanwhile, there are signs that Plum Creek has become somewhat more environmentally sensitive recently. For instance, Marcy Golde, a leader of the Washington Environmental Council, says the company has been "very forthcoming" in negotiating standards for cutting in the Cascades—though she estimates that the company's flexibility has come after it is already about two-thirds done there. The company says its harvest is slightly less than half finished.

The company also now leaves buffers along streams, spares individual trees where eagles and spotted owls nest, and preserves tree corridors for wildlife migration. From the air, they look like green sidewalks across cut-over areas. Plum Creek says it is willing to swap ecologically sensitive land for publicly owned lands elsewhere, but complains that such swaps can take a decade. It has offered to sell land to homeowners but, says Mr. Bressler, gets "very few takers."

"Most people," he says, "would rather *we* own the trees so they can look at them, rather than *they* own the trees so they can look at them."

But those moves have done little to assuage people like the group of Spokane sportsmen who gathered one recent night to hear from some Plum Creek middle managers. Dean Lydig, a hunter and retired lawman, whipped out photos of Plum Creek clear-cuts. "The land speaks for itself," he said, his voice tight with emotion. "It speaks for itself."

James K. Lehner, the easy-going manager of Plum Creek's Coeur d'Arlene, Idaho, division, assured Mr. Lydig that the company is trying to do better. Then he told the group: "We've got a public-relations problem, and we've got a problem where people just don't quite believe us."

BankAmerica Unit to Buy Line

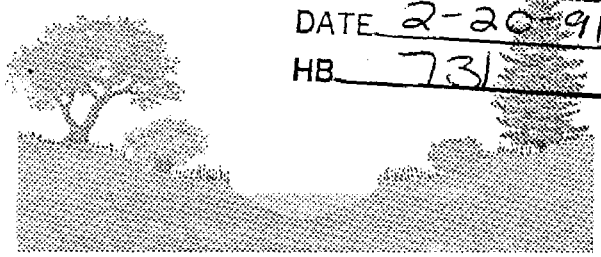
SAN FRANCISCO—**BankAmerica** Corp. said its Bank of America unit agreed to acquire the corporate trust business of **Sanwa Bank** of California. Neither the terms nor the amount of assets involved in the transaction was disclosed.

Corporate trust operations involve services such as acting as trustee on a corporate customers' bonds, among other

MONTANA'S NATURAL STREAMBED AND LAND PRESERVATION ACT

(310 permit program)

EXHIBIT 9
DATE 2-20-91
HB 731



Anyone planning to work in or near a stream must obtain a 310 permit from the local conservation district office.

For permit applications and information, contact:

EXHIBIT 5
DATE 2-20-91
HB 731

A Guide to Stream Permitting in Montana

GUIDE TO REQUIRED PERMITS

MONTANA STREAM PROTECTION ACT

MONTANA FLOODPLAIN AND FLOODWAY MANAGEMENT ACT

SHORT-TERM EXEMPTION FROM MONTANA'S SURFACE WATER QUALITY STANDARDS

MONTANA NATURAL STREAMBED AND LAND PRESERVATION ACT

MONTANA LAND-USE LICENSE OR EASEMENT ON NAVIGABLE WATERS

MONTANA WATER USE ACT

FEDERAL CLEAN WATER ACT - SECTION 404

FEDERAL RIVERS AND HARBORS ACT AND OTHER LAWS THAT MAY APPLY

A COOPERATIVE EFFORT OF THE

Montana Association of Conservation Districts
501 North Sanders • Helena, MT 59601

This brochure was cooperatively developed and funded by the Montana Association of Conservation Districts, the Montana Department of Natural Resources and Conservation, the U.S. Environmental Protection Agency, the Montana Department of Health and Environmental Sciences, the Montana Department of Fish, Wildlife and Parks, the Montana Department of State Lands, and the U.S. Army Corps of Engineers.

April 1990

CHAIRMAN--LAWRENCE STIMATZ
SECRETARY-ROBERTA OPEL
NORMAL SCHEDULE==> SITE: ROOM 405 DAYS: M,W,F TIME: 3:00 P.M.

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0539	2/27	3/11		CONCUR		3/27
DAILY, FRITZ			GENERALLY REVISE STATE CERCLA LAW			
HB0607	2/27	3/13		CONCUR AS AMENDED		3/26
RANEY, BOB			AMEND PERMIT REQUIREMENTS FOR SOLID AND HAZARDOUS WASTE INCINERATORS			
HB0637	2/26	3/27		ADVERSE RPT ADOPT		4/02
BECKER, ARLENE			REQUIRING NOTIFICATION OF PESTICIDE USE IN CITIES AND TOWNS			
HB0639	3/11	3/25		CONCUR		3/26
HANSEN, STELLA			LATE FEE FOR LICENSE TO CLEAN SEPTIC TANKS, CESSPOOLS, AND PRIVIES			
HB0641	2/27	3/22		CONCUR		3/23
KNOX, DICK			IMPROVE NOTICE TO AFFECTED LANDOWNERS UNDER HARD ROCK ACT			
HB0660	3/11	3/27		CONCUR AS AMENDED		4/02
COHEN, BEN			REVISION OF SOLID WASTE MANAGEMENT EXEMPTION			
HB0671	2/27	3/24		CONCUR AS AMENDED		4/03
GILBERT, BOB			SUBDIVISION AND PLATTING ACT AMENDMENTS			
HB0724	2/27	3/18		CONCUR		3/19
ELLIOTT, JIM			PROHIBITION ON TIMBER FROM STATE LANDS AS SUBSTITUTE FOR EXPORTED TIMBER			
HB0731	3/28	4/10		CONCUR AS AMENDED		4/11
REAM, BOB			MANAGEMENT STANDARDS FOR FOREST PRACTICES IN STREAMSIDE MANAGEMENT ZONES			
HB0745	2/26	3/20		CONCUR		3/21
SWYSGOOD, CHARLES			TEMPORARY BASIN CLOSURE			
HB0749	3/11	3/22		CONCUR		3/23
ELLISON, ORVAL			HARD ROCK IMPACT ACT REVISIONS			

from another source in order to fund the capacity for the board to meet the quasi-judicial arbitration requirements. HB-1010 has no fiscal impact on the state. It creates no FTEs. HB-1010 only changes an oversight in a piece of complex legislation from two years ago.

Carol Ferguson, Administrative Officer, Hard Rock Mining Impact Board, said the board urged the committee to concur in HB-1010 (Exhibit #2).

Opponents' Testimony: none

Questions From Committee Members: none

Closing by Sponsor: Representative Brown had no closing remarks, but said that Senator Beck has agreed to carry HB-1010 if the committee concurs in the bill.

EXECUTIVE ACTION ON HB-1010

Motion: Senator Bianchi moved to Concur in HB-1010. The motion passed unanimously, and was recorded as a roll call vote. Senator Beck will carry HB-1010.

HEARING ON HB-731

Presentation and Opening Statement by Sponsor: Representative Bob Ream, District 54, said that HB-731 is the only bill still alive of 3 or 4 Forest Practices Bills that were before the House. In the 1987 session the Legislature passed HJR-49 which was for an interim study of forest practices and water shed effects. Out of that study came the Best Management Practices. EQC requested HB-678 which passed in the last session, and it called for voluntary Best Management Practices on the forest land in Montana. The EQC also had another bill before the last session which is basically HB-731, and it calls for BMP's in the stream management zone. In the last session that bill failed in a close vote on the House floor. Senator Ream said he re-introduced the bill this session because he felt that this very narrow ribbon of land on either side of water courses in forested areas of Montana is crucial to water quality and quantity. This area is also a place that is very important to wildlife habitat. In the EQC study and subsequent monitoring of the BMP's, it is apparent that the narrow ribbon of land is a place where there have been problems with forest management practices. The early

monitoring report showed a majority of the violations of BMP's are in this stream management zone. The voluntary BMP's bill that is in place and operating provides that landowners must notify the Department of State Lands before proceeding to harvest timber on private land. But the BMP's themselves are voluntary, and the BMP's bill has worked very well. The Montana Logging Association has developed a draft publication, "Montana Forestry BMP's, Stewardship Guidelines for Water Quality" that explains the BMP's (Exhibit #3). It is an excellent publication. The EQC has had educational efforts going with the MSU Extension Forester who is located on the campus in Missoula. The logging association and others have been making sincere efforts towards BMP's. It has been very helpful. The stream management zone is too important to be left to chance, and hence HB-731.

Before the hearing in the House, Bud Clinch of the Montana Logging Association proposed some amendments to the bill. Representative Ream said the changes were good especially the enforcement provisions. He suggested Bud Clinch get together with other groups that would be interested from the conservation side. Mr. Clinch met with Stan Bradshaw of Trout Unlimited, Janet Ellis from Montana Audubon, and some people from MEIC. Together, these people drew up some consensus amendments which were implemented in the House Natural Resources Committee. Representative Ream pointed out that the amendments put into the rule making process the procedures that would be followed. Page 11, lines 5-18, lists 7 different practices that are prohibited in a streamside management zone. Even for these prohibited practices there is a mechanism for alternative practices indicated in the bill. Representative Ream presented an amendment that would make the alternative practices fall under the rule making process as well (Exhibit #3A). HB-731 does not say that it is impossible to do these 7 practices, but if any of the 7 are going to be done then it would have to be done through the alternative practices. HB-731 applies only to commercial timber sales, so if a landowner wants to do some work on his own for wood cutting or other land management activities that do not involve timber sales, then this bill does not apply. Bud Clinch had suggested that when a commercial timber sale is conducted that the mechanism to hold people to the requirements is to have the timber operator post a bond for slash disposal when they notify the department of a sale. At the completion of the sale the department is notified and then conducts an onsite inspection to insure that slash disposal provisions have been met, and then the bond will be released. This inspection for a sale that involves a stream management zone could be done at the same time, and it would simply be a matter of checking off the list of 7 items on Page 11. This would be a mechanism for enforcement if the operator does not adhere to the slash disposal procedures and those called for in this bill then the bond would be forfeited.

Proponents' Testimony: Keith Olson, Executive Director, Montana Logging Association, presented a fact sheet that Bud Clinch had

prepared, but he was unable to make it to the hearing (Exhibit #4). The MLA represents nearly 600 independent logging contractors. Most of these are family owned timber operations from every timber region of Montana. These operators are responsible for the vast majority of timber which is harvested in Montana. The MLA with no reluctance rises in support of HB-731 as it currently exists. Bud Clinch was a participant in crafting this bill from its original form which MLA found unacceptable. The consensus agreement which HB-731 represents is a delicate compromise, and MLA suspect some landowners might be nervous about this bill. HB-731 is a good faith effort to draft legislation which protects the most sensitive region of the forest, the streamside management zone. This compromise is delicate in that any substantive amendments might unravel it. MLA wants to emphasize that this legislation does not propose a zone of inactivity. HB-731 merely requires modified commercial harvest related practices within the streamside management zone. The MLA appreciates that a corollary exists between private property rights and private property responsibility. MLA respectively suggest that HB-731 represents sensible, reasonable, and responsible legislation that overtime will justify the faith that many Montana Legislators have placed in Montana's timber industry. The industry endeavors to prove that an educational approach to responsible forest management on private timber lands in Montana can raise the standards of compliance far beyond the minimum levels that some regulatory mandate could ever hope to accomplish.

Janet Ellis, Montana Audubon Legislative Fund, said she was involved in the negotiation process on this bill. She wanted to describe the reasons for Representative Ream's amendments (Exhibit #3a). Amendment #3 is one that people in agriculture will be interested in. Found on Page 9, line 16, it clarifies that this bill applies only to timber sales for commercial purposes. The bill is not after a landowner who would cut down a tree by the creek. The other amendments, #1,2,4,5,6,7 & 8, are to reduce the fiscal impact of the bill. These amendments will allow the alternative practice section of the bill to happen in rule making. This basically does not require that a Department of State Lands' person to go out and do an onsight inspection. Rule making can cover what alternative practices are. Some things that might be considered are logging in the winter when the ground is frozen, so certain things can be done that are not in line with the 7 items listed on Page 11. Things like this will not reguire onsite inspection. The onsite inspection was part of the reason that the fiscal note was so high. She urged the committee to support these amendments and then to concur in HB-731.

Don Alan, Montana Wood Products Association (MWPA), said that Keith Olson referred to the draft copy of the BMP's (Exhibit #3). This is not a finished copy. Bud Clinch of MLA and Bob Logan the Extension Forester at MSU took the lead in putting all the information together, and the names of the various state agencies

and the EPA that have supported monetarily the project are listed in the front of the book. Two years ago, MWPA made the commitment to work hard to try to make BMP's work, and MWPA feels that they have lived up to that commitment. MWPA is making other commitments in this legislative session in HB-960, which is a very strong financial commitment from the industry to the tune of about $67,000/year to help provide another Extension Forestry person. HB-9609 provides support to continue and expand the educational effort, and to make it more effective. MWPA recognizes that the area that needs the most attention, more concentration, and more focus is the streamside management area. MWPA was happy that Representative Ream agreed to take under advisement the early suggestions made. Gordy Sanders of Champion lead MWPA efforts to help Bud Clinch
to reach areas of common ground on what could be addressed in the bill. MWPA feels this bill is efficient, and it has little room for subjective conclusions, so it will be easy to monitor and enforce, yet it will be effective. This is a result of a team effort that put together the Department of State Lands and other people, and it is an important part of the overall effort to move forward with a policy and program in place.

Stan Bradshaw, Montana Trout Unlimited, said HB-731 is a product of negotiation, and as a participant he attested to the craftiness of Bud Clinch. Frankly, the MLA took the lead in sitting down to explore if there was any common ground. At the outset, he was not particularly optimistic about it because prior to this session there has not been a timber bill or forest practice bill where there was this diverse a group of people coming to some kind of agreement. The attempts have always been made in the past, but have always floundered on the rocks of conflict. This bill is truly a compromise. The MLA swallowed pretty hard to accept some of this stuff. The bill does not go as far as some would like it to go, but it is the first time during this session that people have come together this closely on this issue. The bill is not going to make everyone happy, but it is an important start. Maybe not so much for what the bill does for forest practices, but for what it has done for the communication between groups like Trout Unlimited and the MLA. Because of the communication it is very important that this committee support HB-731.

Ken Wilson, Clark Fork Coalition, said the coalition supports HB-731. The Clark Fork Coalition supported the forest practices acts which did not pass this session and feel the BMP's should be mandatory throughout the forest. HB-731 does not go that far, but it does address the areas that are the most problematic, those next to streams. For that reason it is a good bill, and he asked the committee to concur in HB-731.

Tucker Hill, Champion International, said that Champion was a part of the compromise that resulted in HB-731. As major landowners of over 900,000 acres in the state, Champion has a keen interest in this. The bill is very workable, and he urged

the committee to concur.

Valerie Horton, Montana Wildlife Federation, said the group rises in support of HB-731, and urged the committee to support the bill.

Jim Jensen, MEIC, said that Representative Ream said several groups and interests were involved in negotiating on behalf of this bill. He mentioned MEIC, but we were not involved. However, MEIC supports this incremental approach to solving this controversy. There will be predictable tinkering from future Legislatures, and there will be some problems that arise that will need to be addressed. Things like clear-cutting up to the edge of the streamside management zone will expose the zone to the vagaries of nature and the wind, so there might be blow down problems and root ball exposure. Then there is more rain, and more sediment in the stream. HB-731 is not the final answer, but it is a step in the right direction, and on an issue like this you go one step at a time.

Floyd W. McCubbins, Hungry Horse, wrote supporting HB-731 (Exhibit #5).

Opponents' Testimony: none

Questions From Committee Members:
Senator Bengtson asked Keith Olson if the Extension Forester will notify all 11,000 timber people? Mr. Olson said that mingles in the grey area of private property rights and private property responsibility. There is no entity in place to reach those 11,000 people. That's why MLA was adamant about getting additional funding in for another Extension Forester, and hopefully over time it will help. The Department of State Lands must be notified to do any timber harvesting for a commercial sale in advance of beginning those operations. Hopefully the department is going to be able to mail information out to those people that plan to harvest, and the department is up to speed with what the Legislature has done this session.

Senator Bengtson asked Jeff Jahnke, Forest Management Bureau Chief, Department of State Lands, if HB-2 put any money into this issue? Mr. Jahnke said no the budget did not put money in for this bill.

Senator Keating stated that the Legislature already passed a bill that established the BMP's and required the Department of State Lands to advise the private landowner as to how best to cut his timber. He asked Mr. Jahnke if part of the implementation of that bill telling these landowners how to handle the forest around the streams that go through their property? Mr. Jahnke said part of the process is to distribute information. Senator Keating asked Mr. Jahnke if he has seen forest fires and the

aftermath? Mr. Jahnke said yes he had. Senator Keating asked if a forest fire does more damage than clear-cutting? Mr. Jahnke said he was reluctant to answer that in a general way. He suggested that both of them remove trees. Beyond that it is hard to be specific without discussing a particular situation. Senator Keating asked what happens to the underbrush when the area is clear-cut? Mr. Jahnke said several changes occur. It goes through a brush or grass stage very quickly, and this is the same after a fire. What happens in the brush is a function of what is done to try to promote regeneration. Sometimes it is scarified, other times it is burned, and again it is site specific.

Senator Keating stated that all these interests have gotten together and decided something is happening to Montana's streams, and there needs to be a different approach along our streams. He asked Representative Ream how wide spread the violations to the streams have been that this bill would correct? Representative Ream said most managers do a deacent job, but we make laws to take care of the 5% or so that screw things up for the rest of us. There have been notable problems in the last two years. Even after attempting the BMP's, the Darby Lumber situation is a prime example. Plum Creek is another. Senator Keating asked if there is a real compelling need to do this? Representative Ream said there definitely is a need or he would not have re-introduced the bill.

Senator Bianchi asked Representative Ream if it would be more realistic to notify people that are making commercial timber buys, and expect them to comply? Representative Ream said Mr. Jahnke said any seller must notify the department. Of the 2300 sells, only 20% of the commercial timber sells involve streamside management zones. Senator Bianchi asked if it is not a big deal to notify these landowners? Representative Ream said no it isn't. At the point in time that the seller makes the notification is when they would also notify the department if they want to do an alternative practice. There are some situations where this would be very feasible. A lot of problems from timber harvest have nothing to do with the removal of trees. The big equipment that goes into these areas messes up the streams when they cross through them, or the roads that are built to cross that cause sediment in the streams.

Senator Hockett asked Mr. Jahnke how the stream management zone definition on Page 9, line 9 was derived? Why isn't slope mentioned? Senator Hockett worked for Soil Conservation and said there are concerns for soil conditions and also the slope because these have a great deal of effect on water that moves through a disturbed area. Mr. Jahnke said the original bill had a variable width in the streamside management zone, but in some of the compromise discussions an agreement of 50' was reached.

Senator Kennedy said he understood that there was no money budgeted for this. Mr. Jahnke said that was correct. Senator

Kennedy asked how Mr. Jahnke felt about the added tasks of this bill if there was no extra money to pay for it? Mr. Jahnke said with no money, the department would attempt to do as much as possible in conjunction with the activities of HB-678 in the inspection and the slash hazard reduction agreements. He said he is not comfortable that the department can, with no extra money, fully carry out the requirements of this bill. However, the department would make an effort to cover these requirements in existing programs. There is already a program that deals with distributing information to all those who harvest, and there is a soil program that deals with inspections of slash disposal within 18 months of harvest. The department could work some of the requirements of HB-731 into these programs. He didn't know if the department could accomplish all of the requirements. Senator Kennedy asked if the bond required is in addition to the one required already? Mr. Jahnke said this bill does not call for an additional bond, but this bill links the enforcement of this bill to the written enforcement associated with the slash hazard reduction agreements.

Senator Kennedy asked Mr. Olson if he supported the bill with Representative Ream's new amendments? Mr. Olson said that he did support Representative Ream's amendments.

Senator Grosfield asked Representative Ream about Senator Hockett's concern about slopes, and does this mean that the only time the 50' is exceeded is for slope or wetlands? Representative Ream said this would be dealt with in more specific language during rule making. The BMP pamphlet does address slope. Specific language had been discussed when the bill was drafted, but it was decided it would be best to leave it to the professionals who draw up the regulations. Senator Grosfield said unless otherwise stated this bill would be limited to the 50'. He then asked about the definition of stream, and how it was derived? Representative Ream said this definition is existing law. Senator Grosfield asked if it makes a difference how big or small a stream is? Representative Ream said the definition is very loose, and it was struggled with in the stream access bill. This again would be handled and tightened in the rules making process, and finally a judgement call out in the field. Where there is flowing water it would probably be considered a stream for the purposes of this bill.

Senator Grosfield asked Mr. Allen to comment on the definition of stream in regards to the BMP's? Mr. Allen said the definition of stream in HB-731 is the same language as the existing BMP's. What HB-731 does is set a special management criteria for streamsides. It leaves the bulk of the program the same for everything else. The BMP's that are in existence were developed by technical committees consisting of people with all different types of expertise. These people determined the definition of stream, and so the same definition is used, based on that earlier criteria, for streamside management zone.

Closing by Sponsor: Representative Ream said his proposed amendments had been approved, but inadvertently missed in the House Natural Resources Committee. Rather than trying to put the amendments in the bill at the last minute before transmittal he decided to wait. He added that there is a revised Fiscal Note, and this one is lower than the first one. The process of inspection and enforcement was changed to have notification occur up front when the seller notifies the department of the sale, and then the inspection would occur at the tail end. It is a shame that there is only one Extension Forester for the whole state considering the importance of this industry to Montana. He suggested that this bill might be sent to the Senate Finance Committee to add an appropriation for the FTE. He tried to have it added in the House Appropriations, but with no luck. It is important to have adequate staffing to work with small landowners in Montana. The future of forest management in western Montana is going to be with small forest landowners. This segment of private forest land is going to be increasingly important in the next 30 years because most of the industrial forest land will have been harvested, and the federal land is either tied up or has also been harvested. The department has made big strides with the voluntary BMP's, but this is not enough to take care of that very crucial, delicate streamside management zone. This zone is important for water quality. This zone may be a problem for some landowners because it may impose on private rights, but if the stream flows to other landowners multiples of private rights are concerned. People have been effected in the Bitterroot Valley. Ranchers downstream from where the Darby Lumber operation are very upset. It is important for water, but it is also very important for wildlife. There have been numerous wildlife studies that show the stream management zone is crucial habitat for many of Montana's big and small game species. Representative Ream asked the committee to look on HB-731 favorably.

HEARING ON HB-414

Presentation and Opening Statement by Sponsor: Representative Ben Cohen, District 3, said HB-414 creates a water quality rehabilitation account. The intention of this accounts is to allow an immediate response to a pollution event of a non-hazardous substance. Montana already has an Environment Quality Protection fund specifically designed for hazardous substances that might result in a pollution event, but this fund does not allow these funds to be used for non-hazardous substances. An example would be if a BN train coming along the middle fork of the Flathead River has a minor derailment, and a couple of tanker cars roll over the bank. One tanker car contains fuel oil, and the other has molasses in it. The fuel oil is a hazardous substance, and if BN doesn't immediately respond, then the state can respond, clean it up, and charge back the expense to BN. If the molasses spills, it is not a hazardous substance, but it is,

for administrative penalties, so it was modified to reflect that. The House did away with the diversion of money to the Environmental Quality Protection Fund. He said SB-211 and HB-731 should mesh together. Senator Grosfield asked if the money from SB-211 no longer goes to the Environmental Quality Protection Fund? Mr. Bradshaw said that was his recollection of what happened. He had not looked at SB-211 to see what the final outcome was. Representative Cohen said that he met with Senator Harp and WQB and this was discussed so the two bills would work together. Mr. Bradshaw said the amendments were designed to try to reconcile the two bills.

Closing by Sponsor: Representative Cohen thanked Senator Grosfield for his recollection of SB-211. He met with Senator Harp, Kevin Keenan, and Steve Piltcher to discuss how to make these two bills work together. We tried to do this through the amendments. HB-414 has a long history. The concept was first brought to him by Mr. Bradshaw before the 51st Legislative session. The bill passed through the House Appropriations, through the House, onto the Senate, where the Senate Natural Resources Committee heard the bill. This committee passed it, then it when to Finance and Claims where former Senator Matt Himsl said this problem was already taken care of with the Environmental Quality Protection Fund, and the committee killed the bill. These non-hazardous pollution concerns are not taken care of with the Environmental Quality Protection Fund. HB-414 addresses those pollution events which the Environmental Quality Protection fund does not address. Now, SB-211 and HB-414 are coordinated to work together, so they address all pollution events that threaten Montana's water, whether they are hazardous or non-hazardous. Representative Cohen thanked the committee for their consideration of HB-414.

EXECUTIVE ACTION ON HB-414

Motion: Senator Bengtson moved to Concur in HB-414. The motion passed 9 to 2. Senators Tveit and Keating voted against the motion.

EXECUTIVE ACTION ON HB-731

Amendments, Discussion, and Votes: Senator Weeding moved to amend HB-731 by accepting Representative Ream's proposed amendments. The motion passed unanimously.

Motion: Senator Hockett moved to Concur in HB-731 as Amended.

Discussion: Senator Keating said the bill looks like a request for $150,000 from the General Fund, plus more FTEs to be added to the state payroll. There is not a compelling need for this law, and that is what it is, law. The industry is already practicing BMP's, and the 11,000 private owners can go to the state land department and ask for help and receive it under current law. The Forestry Department that helped write the bill are probably already practicing these things. If this was going to be a hardship on the Forestry Department then they would squawk about it. The department is apparently already doing it. He did not see that the state needed to spend this kind of money and add this kind of personnel. The environment out there is not in danger.

Senator Bengtson said maybe this bill should be sent to Finance and Claims if it did pass. Senator Stimatz said possibly. Senator Bengtson said she liked the bill.

Senator Stimatz asked Deborah Schmidt about the procedure to send this bill to Finance and Claims. Ms. Schmidt said that the committee would pass the bill, and then on the Senate Floor make a motion to send HB-731 to Finance and Claims.

Senator Keating said there is no appropriation in the bill, so there is no need for Finance and Claims to look at it. The appropriation could be put in by this committee, or put it in HB-2. If the bill passes, then someone might make an amendment to HB-2 for the budget of the State Land Department to add this money and these FTE's.

Senator Stimatz suggested the committee let that happen. Senator Weeding said that he doubted the Fiscal Note. What is the impact that is in parenthesis? Senator Keating said that it is really a decrease in the General Fund balance.

Senator Weeding asked Mr. Jahnke what is "stewardship special revenue" on Page 15, Section 6, is it in current law, and does this generate money? Mr. Jahnke said this account would be set up for violation revenues, and this account would generate money to pay for distribution of information of BMP's. He understood that this money would not go to support the implementation of HB-731. He understood that the money goes to the stewardship account which is used to disseminate BMP information. Senator Weeding asked if that would relieve some of the costs to the General Fund for administering BMP's? Mr. Jahnke said that was correct. This money would support existing funding. Senator Weeding asked if the bill was going to be part of the BMP's package in a practical sense? Mr. Jahnke said there are actually 3 laws that would be part of the BMP's package: #1 Hazard reduction law, #2 BMP's bill, and #3 would be HB-731.

Senator Stimatz asked if it would be the discretion of the Department of Lands as to how much was done on each program? Mr. Jahnke said yes that the Department of State Lands would exercise

its discretion based on what they felt the priorities were. Hazard reduction has always been a priority because of its relations water. Obviously, the dissemination of information is still very important to getting voluntary compliance with the BMP's. He suggested that these would be the priorities at this time.

Senator Keating asked Mr. Jahnke if HB-731 could be imposed on federal timber sales? Mr. Jahnke said no because federal sales are implementing these BMP's at this time.

Senator Bengtson asked if there are private or commercial timber lands in eastern Montana or is this bill just for the west? Mr. Jahnke said this bill applies state-wide. There are commercial forest lands east of the divide, and there are forest lands in eastern Montana.

Senator Kennedy said he would like to pass HB-731, but not give any appropriation. Let the program work, and see how the plans come in.

Senator Stimatz said if the committee passes the bill he will ask Mr. Hunter what his recommendation would be. Senator Stimatz agreed that this should not be sent to Finance and Claims at this late date. If the department needs money they will come in with an amendment to HB-2 to get it.

Recommendation and Vote: The question was called for. The motion to Concur in HB-731 as Amended passed 7 to 4, and was recorded as a roll call vote. Senators Anderson, Bengtson, Keating and Tveit voted against the motion. Senator Bianchi will carry HB-731.

EXECUTIVE ACTION ON HB-448

Motion: Senator Grosfield moved to Concur in HB-448. The motion passed unanimously. Senator Grosfield will carry HB-448.

EXECUTIVE ACTION ON HB-964

Motion: Senator Weeding moved to Concur in HB-964.

Discussion: Senator Stimatz said the only opponent was Jeff Peterson of Ecolab. None of the committee members seemed to be

DATE 4-10-91

COMMITTEE ON Natural Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Oppose
Carol L. Ferguson	Hard-Rock Mining Impact Board	HB1010	X	
Newell Anderson	Dept of Commerce	HB1010	X	
Janet Ellis	MT Audubon	HB 731	X	
Chris Kaufman	MEIC	HB 145	X	
Dan Abbe	MT. Land Reclamation Div.	HB 731		
Brian McNitt	MEIC	HB 145	X	
Valerie Horton	MWF	HB 731	X	
Dan Bradshaw	MTC	HB 414 HB 731	✓	
Keith Olson	MT. Logging Assn	HB 731	✓	
Jim Jensen	MEIC	HB 731	✓	
Steve Pilcher	DHES	HB 414	✓	
Jan Sensibaugh	DHES	HB 414	✓	
Kim Wilson	Silver Bow County	731	✓	

(Please leave prepared statement with Secretary)

ROLL CALL

Natural Resources

COMMITTEE

DATE 4-10-91

52

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
Senator Anderson	X		
Senator Bengtson	X		
Senator Bianchi	X		
Senator Doherty	X		
Senator Grosfield	X		
Senator Hockett	X		
Senator Keating	X		
Senator Kennedy	X		
Senator Tveit	X		
Vice Chairman, Weeding	X		
Chairman Stimatz	X		

Each day attach to minutes.

SENATE NATURAL RESOURCES
EXHIBIT NO. 3A
DATE 4-10-91
BILL NO. HB-731

Amendments to House Bill No. 731
Third Reading Copy

Requested by Rep. Ream
For the Committee on Natural Resources
April 5, 1991

Prepared by Paul Sihler

1. Page 4, line 3.
Strike: "UNDER" through "PROCEDURES"
Insert: "for the standards"

2. Page 4, line 4.
Strike: "(2)"

3. Page 9, line 16.
Following: "area"
Insert: "for commercial purposes"

4. Page 9, lines 19 and 20.
Strike: "--" on line 19 through "(2)," on line 20
Insert: "."

5. Page 11, line 3.
Following: "~~protected.~~"
Insert: "(1)"

6. Page 11, line 19 through page 12, line 14.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

7. Page 16, line 6.
Strike: "GOVERNING"
Insert: "providing"

8. Page 16, line 7.
Strike: "THE"
Following: "PRACTICES"
Insert: "for the standards"

SENATE NATURAL RESOURCES
EXHIBIT NO. 4
DATE 4-10-91
BILL NO. HB-731

FACT SHEET--HB 731 STREAMSIDE MANAGEMENT

INTENT-The streamside management zone (SMZ) is an area of closely managed activity NOT a zone of timber harvest exclusion. Such closely managed activity is intended to protect and benefit: WATER QUALITY, WILDLIFE HABITAT, LONG TERM STREAM STABILITY, AND OTHER BENEFICIAL WATER USES.

WHAT IS THE SMZ?- The SMZ is an area adjacent to a stream, lake, or other water body extending a minimum of 50' from the normal high water mark where "forest practices" must be modified.

WHAT FOREST PRACTICES ARE EXCLUDED IN THE SMZ?

(1) Broadcast burning

(2) operation of wheeled or tracked vehicles

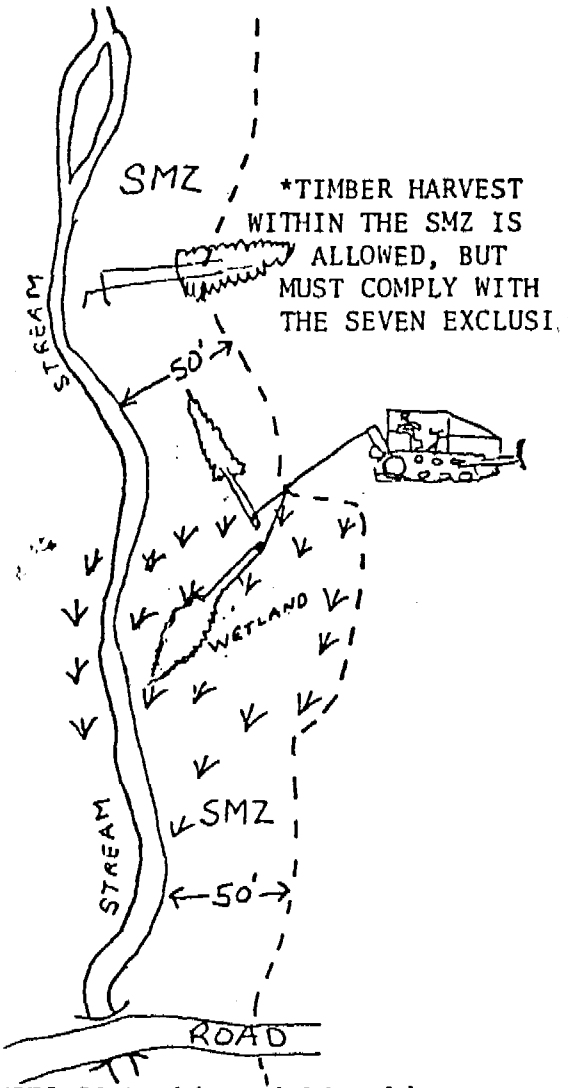
(3) the forest practice of "clearcutting"

(4) construction of roads except when necessarry to cross streams or wetlands

(5) storage, handling or application of hazardous materials in a manner that pollutes streams, lakes, or wetlands

(6) side-casting of road surface materials directly into the streams or wetlands

(7) the deposit of slash (limbs, tree tops or other timber residue) directly into streams or other water bodies.



HOW DO THESE EXCLUSIONS APPLY TO AGRICULTURE ACTIVITIES? Nothing within this act refers, restricts or applys to farming, grazing or other agricultural practices. This act specifically refers to conducting of "forest practices" within the streamside management zone. Within HB.731, forest practices is defined as: "within a timber sale, the harvesting of trees, road construction or reconstruction associated with the harvesting and accessing trees, site preparation for regeneration of a timber stand, reforestation and management of logging slash."

SENATE NATURAL RESOURCES
EXHIBIT NO. 5
DATE 4-10-91
BILL NO. HB-731

April 10, 1991

Chairman Larry Stimatz
Senate Natural Resources Committee
Helena, Mt.

I am writing to you today to encourage you to vote for HB731 - Streamside Zone Management Act. This bill is a good consensus bill between the timber industry and the environmental community. Timber harvest audits in the past 3 years have shown that, while the timber industry is doing a good job of protecting water, there is still room to improve. HB731 offers everyone an objective viewpoint. They can look at a Streamside Management Zone and know if the law has been violated. This bill needs to be passed without amendments, because if anything is added it becomes subjective. This bill along with a continuation of educational efforts regarding voluntary best management practices will help to protect water quality, wildlife habitat, long-term stream stability and other beneficial water uses. This bill is a benefit to all Montanans.

Thank you for your consideration.

Floyd W. McCubbins

Floyd W. McCubbins
P.O. Box 83
Hungry Horse, Mt. 59919

ROLL CALL VOTE

SENATE COMMITTEE Natural Resources

Date APRIL 10, 1991 Bill No. HB-731 Time 6:20

NAME	YES	NO
Senator Anderson		X
Senator Bengston		X
Senator Bianchi	X	
Senator Doherty	X	
Senator Grosfield	X	
Senator Hockett	X	
Senator Keating		X
Senator Kennedy	X	
Senator Tveit		X
Senator Weeding, Vice Chairman	X	
Senator Stimatz, Chairman		

JOYCE INCHAUSPE-CORSON
Secretary

LARRY STIMATZ
Chairman

Motion: Move to Concur in as Amended HB-731
Senator Bianchi will carry.
Ask Dave Hunter about approp

SENATE STANDING COMMITTEE REPORT

April 11, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 731 (third reading copy -- blue), respectfully report that House Bill No. 731 be amended and as so amended be concurred in:

1. Page 4, line 3.
Strike: "UNDER" through "PROCEDURES"
Insert: "for the standards"

2. Page 4, line 4.
Strike: "(2)"

3. Page 9, line 16.
Following: "area"
Insert: "for commercial purposes"

4. Page 9, lines 19 and 20
Strike: ". " on line 19 through "(2)," on line 20
Insert: ","

5. Page 11, line 3.
Following: "~~protected~~."
Insert: "(1)"

6. Page 11, line 19 through page 12, line 14.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

7. Page 16, line 6.
Strike: "GOVERNING"
Insert: "providing"

8. Page 16, line 7.
Strike: "THE"
Following: "PRACTICES"
Insert: "for the standards"

Signed: Lawrence C. Stimatz
Lawrence C. Stimatz, Chairman

4-11-91
Amd. Coord.

4-11-91 10:05
Sec. of Senate

7209.552C.SLB